

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KENNETH AND PAMELA PRICE JEAN *

*

Plaintiffs *

*

v. *

*

CITY OF ASHBURNHAM POLICE *

DEPARTMENT, CITY OF WINCHENDON *

POLICE DEPARTMENT, ROB HARRINGTON, *

in his capacity as CHIEF OF THE WINCHENDON * **C.A. NO. 03-12306MLW**

POLICE DEPARTMENT, JACK MURRY, in his *

capacity as CHIEF OF THE ASHBURNHAM *

POLICE DEPARTMENT, TODD C. PARSONS *

RAYMOND M. ANAIR, ROBERT BRENNON, *

WILLIAM P. GEOFFROY, BRIAN HART, *

KEVIN AHEARN, KEVIN E. WOLSKI *

OFFICER JOHN DOE, OFFICER JOHN POE. *

*

Defendants *

REPLY TO OPPOSITION TO PLAINTIFFS' MOTION TO AMEND

The individual defendants, in two separate, oppositions, have objected to plaintiffs' motion to add a claim of negligent supervision against the municipal defendants, pursuant to M.G.L., c. 258. The defendants objection is that, under c. 258, the plaintiffs "are barred from asserting claims for negligence or negligent supervision against the individual . . . defendants", as c. 258 limits such claims to the municipal employer.

Plaintiffs are in agreement and suggest that the individual defendants have misunderstood the motion to amend and amended complaint, as the plaintiff do not seek to add any negligence claims against any individual defendants.

As the motion to amend states, the plaintiffs seek “add counts of negligence and negligent supervision on the part of the defendant Town of Ashburnham and the defendant Town of Winchendon”, clearing stating that the new counts of negligence and negligent supervision are in the amended complaint are not addressed against any individual defendants. On this basis, the oppositions of the individual defendants are moot.

Respectfully submitted,
Kenneth Jean, et al
by their counsel

Date: May 27, 2004

/S/ Andrew M. Fischer
Andrew M. Fischer
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CERTIFICATE OF SERVICE

I, Andrew M. Fischer, hereby certify that on this date I served a copy of the above document on the defendants by mailing a copy, first class, postage prepaid to John J. Cloherty, III, Pierce, Davis, Perritano, LLP, Ten Winthrop Square, Boston, MA 02110, and to Nancy Frankel Pelletier, Robinson Donovan, P.C., 1500 Main Street, Ste. 1600, Springfield, MA 01115-5609.

Date: May 27, 2004

/S/ Andrew M. Fischer
Andrew M. Fischer

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